

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

BIOMET, INC.,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 3:13-cv-176-JVB-CAN
)	
BONUTTI SKELETAL INNOVATIONS)	
LLC,)	
)	
Defendant.)	
_____)	
)	
BONUTTI SKELETAL INNOVATIONS)	
LLC,)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
BIOMET, INC., BIOMET SPORTS)	
MEDICINE, LLC, and BIOMET)	
MANUFACTURING CORPORATION,)	
)	
Counterclaim Defendants.)	

ORDER

On April 21, 2014, Plaintiff and Counterclaim Defendant Biomet, Inc. (“Biomet”) filed its Motion for Leave to File Under Seal Its Opening Claim Construction Brief and an Exhibit. An adverse party shall have fourteen days after service of a motion in which to serve and file a response. N.D. Ind. L.R. 7-1(d)(2)(A). Failure to file a response within the time prescribed may subject the motion to summary ruling. N.D. Ind. L.R. 7-1(d)(4). As of this date, Defendant and Counterclaim Plaintiff, Bonutti Skeletal Innovations LLC, has neither responded to Biomet’s motion nor provided any explanation for its inaction. Consequently, this Court can only assume that Biomet’s motion is unopposed. Therefore, Biomet’s motion is **GRANTED** [Doc. No. 67].

Biomet may file both its un-redacted Opening Claim Construction Brief and the un-redacted exhibits 2, 18, 30, and 31 under seal. The Court **ORDERS** that these documents remain under seal until un-sealed by subsequent order of this Court. Either party may file a motion to un-seal the sealed documents and any interested member of the public may challenge the sealing of these documents. *See Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943 (7th Cir. 1999). Before disclosing the un-redacted versions of Biomet's Opening Claim Construction Briefs and the sealed exhibits to the public, however, the Court must ensure that all parties have had the opportunity to be heard on the propriety of un-sealing the documents.

SO ORDERED.

Dated this 20th day of May, 2014.

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge